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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1811/2003

This the 6th day of May, 2004

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HON'BLE SH. KULDIP SINGH, MEMBER (J)
HON'BLE SH. S.K.NAIK, MEMBER (A)

Sh. Ramesh Chander (ASS Group 'C')
S/o Sh. Chet Ram, Asstt. Superintendet (Stores),
R/o RZ-107B, Mahabir Enclave,
New Delhi-110045.

(By Advocate: Sh. Harvir Singh)

Versus

1. Secretary,
Ministry of Health & Family Welfare,
GOI, Nirman Bhawan,
New Delhi.
2. Medical Superintendent,
Safdarjung Hospital,
New Delhi.
3. Dy. Director (Admn.),
Safdarjung Hospital,
New Delhi.
4. Sh. Phool Singh, Head Clerk,
Safdarjung Hospital,
New Delhi.

(By Advocate: Sh. Rajinder Nischal for Resp. No.1 to 3
Sh. R.N. Singh proxy for
Sh. R.V. Sinha for Resp. No.4)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA seeking following
directions:-

- (a) Direct the quash and set aside the order dated 21.6.2003 (Annexure A1) and declare the same as illegal and arbitrary.
- (b) Direct the respondents to treat the ad hoc period of service on the post of ASS, for all purpose, such as seniority and other benefits.



(c) Hold and declare that respondent No.4 continues to be junior to the applicant (as head clerk) in terms of seniority list dated 1.4.1997.

2. Facts in brief are that the applicant had joined the service under the respondents as UDC w.e.f. 1.4.92. He was promoted as Assistant Stores Superintendent (ASS, for short) on 8.5.1996 on ad hoc basis. On 8.5.98 the services of the applicant as ASS were regularised. Similarly Resp. No.4 was appointed as Head Clerk on ad hoc basis on 1.7.96 and was regularised on 1.9.96. It appears that a common seniority list has been maintained but since Resp. No.4 has been regularised earlier though promoted on ad hoc basis later than the applicant so applicant No.4 is stated to have been shown senior to the applicant.

3. Applicant had made a representation dated 4.4.2003 and 5.5.2003 for counting of continuous period of ad hoc service for seniority and promotion and for filling up the post of Administrative Officer in the pay scale of Rs.5500-9000. The said representation had been rejected vide impugned order dated 21.6.2003 (Annexure A-1). It appears, in the meanwhile, department had issued a tentative seniority list on 6.6.2003 and 7.6.2003. Applicant also vide letter dated 25.6.2003 made a request for supply of a copy so that he may raise an objection to the tentative seniority list. It is a common knowledge that whenever tentative seniority lists are issued objections are also invited regarding claims of seniority if somebody is not satisfied with the tentative seniority list.

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It has been so done in the present case also and objections were invited but it appears that no objection was raised from any quarter to the department. Learned counsel for the respondent pleaded that this tentative seniority list had become final. However when the query was raised, is there any order issued declaring that the tentative seniority list has become final, Sh. Nischal appearing for the respondent submitted that no formal order has been issued.

4. Whereas Sh. Harvir Singh, counsel for applicant insisted that since seniority list has not been circulated to him and he has asked for supply of a copy vide his letter dated 25.6.2003, despite that no seniority list has been received, as such the applicant has been deprived the opportunities to raise objection so now he wants to raise an objection against the seniority list.

5. In this background of the circumstances, we think that this OA can be disposed of giving an opportunity to the applicant to raise any objections to the tentative seniority list and department shall decide the same by passing a reasoned and speaking order thereon. Meanwhile the order rejecting the representation of the applicant (Annexure A-1) is quashed. Applicant may make a fresh consolidated representation against the tentative seniority list and for counting of his ad hoc service for the purpose of seniority. This representation shall be made within a period of 15 days from the date of receipt of a copy of this order. On receipt of the representation department shall decide the

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representation and thereafter finalise the seniority list within a period of 2 months by passing a reasoned and speaking order. OA stands disposed of.

S. K. NAIK
(S. K. NAIK)
Member (A)

Kuldip Singh
(KULDIP SINGH)
Member (J)

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